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DIA FOR LEA

E.O. 12958: DECL: 11/28/2019  
TAGS: [KACT](#) [MARR](#) [PARM](#) [PREL](#) [RS](#) [US](#) [START](#)  
SUBJECT: START FOLLOW-ON NEGOTIATIONS, GENEVA  
(SFO-GVA-VII): (U) TREATY TEXT AND DEFINITIONS WORKING  
GROUP MEETING, NOVEMBER 13, 2009

Classified By: A/S Rose E. Gottemoeller, United States  
START Negotiator. Reasons: 1.4(b) and (d).

11. (U) This is SFO-GVA-VII-022.

12. (U) Meeting Date: November 13, 2009  
Time: 10:00 A.M.. - 12:30 P.M.  
Place: U.S. Mission, Geneva

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SUMMARY  
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13. (S) The third Treaty Text and Definitions Working Group (TTDWG) meeting of the session was held at the U.S. Mission on November 13, 2009. The working group discussed Article II of the U.S.-proposed Joint Draft Text (JDT) (central limits). Also discussed were counting rules for heavy bomber (HB) armaments, the term "and their associated launcher," and the wording for the composition and structure of each side's strategic offensive arms (SOA). Both sides tentatively agreed on the text in Article II with the caveat that the proposal required further study before finalizing.

14. (S) The sides also discussed Articles VII (Conversion or Elimination) and VIII (Notifications). The United States provided a more concise version of Article VII for consideration by the Russian Delegation. The Russian side explained their rationale for proposing Article IX (voluntary measures). The U.S. side took the Russian-proposed Article IX for further review. Finally, the sides discussed the U.S.-proposed Article IX (national technical means (NTM)),

paragraph three, on the use of concealment measures.

¶5. (U) Subject Summary: Article II: The Central Limits; Article VII: Conversion or Elimination; Enhancing Confidence, Openness, and Predictability; U.S. Article IX: Verification and Concealment; and, Wrap Up.

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ARTICLE II: THE CENTRAL LIMITS  
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¶6. (S) Ambassador Ries opened the meeting by proposing to start at the beginning and discuss any article or portion thereof that either side would like to discuss. Since Article I had already been discussed in detail, the sides began with Article II. Mr. Koshelev stated that there was some confusion on the Russian side as to which side had placed the word "nuclear" in the term "heavy bomber nuclear armaments." He added that he needed to consult with his delegation to determine whether it was a Russian proposal.

¶7. (S) Koshelev asked for the U.S. Delegation's reaction to the Russian-proposed paragraph two, (Begin comment: A provision mirroring the U.S. proposal for Article V, paragraph 3, on each side determining for itself the structure and composition of its forces. End comment.) and to explain why it objected to the text. Ries explained that the basic substance of the text was not in question, as the origin of the statement was the Presidents' Joint Understanding. Only the location of the language in the treaty was in question. The U.S. side had not determined if

it belonged in Article II or another article such as Article ¶V. Koshelev asked if there was a legal difference between the words "provided for" and "set forth." Mr. Dean answered that both phrases have the same meaning and he did not see any problem with either phrase so long as it was consistent throughout the treaty.

¶8. (S) Dean stated the language in paragraph two should be adjusted so it did not appear that the right for each Party to determine the structure of its SOA emanated from the treaty, rather it should acknowledge that the Parties already have the right to determine the structure of its SOA. Koshelev agreed to change the text to read "Each Party has the right to determine for itself..." but then asked why the words "for itself" needed to be included. After some discussion, both parties agreed the final text would read "Each Party shall exercise its right to determine the composition of its strategic offensive arms, based on the limitations set forth (¶provided for) in the Treaty." Ries stated that the placement of the paragraph in the treaty should wait for the outcome of the discussion on Article V. Koshelev agreed.

¶9. (S) Admiral Kuznetsov questioned the need for the phrase "and their associated launchers" for both ICBMs and SLBMs in paragraph one, sub-paragraph (a). He stated the concept was no longer needed now that the two sides had agreed to counting rules for the two systems. He reiterated the Russian argument for deployed and non-deployed launchers and missiles and asked if the position of the U.S. side was unchanged. Ries responded that there had been no agreement on the counting rules and that the U.S. position remained the same. Kuznetsov asked if the U.S. position was still the same on the use of the term "nuclear" when describing warheads in paragraph one, sub-paragraph (b). He stated that, since the sides had agreed to count both nuclear and non-nuclear warheads together, there was no need to specify "nuclear" warheads. Ries explained that, since Russia had not agreed to the package deal, the United States could not remove the word "nuclear" and the sides would have to defer the discussion. Kuznetsov pressed the topic by providing a hypothetical scenario in which Russia agreed to the U.S. proposal and floated the question whether the United States would change its wording. Ries stated that the language in the paragraph should be consistent with the final package.

¶10. (S) Koshelev asked why the United States had proposed the word "nuclear" in reference to HBs when the sides had almost agreed to remove the word from paragraph one. Dr. Fraley stated that both sides were discussing, as part of the package, how sub-paragraph (b) would provide limits on warheads. However, there was a difference between ICBMs/SLBMs and HBs. For the numerical limits, neither side wanted to count conventional arms for HBs, only nuclear warheads. Neither side had agreed on how to do that yet. Koshelev stated that this was exactly why the Russian side had proposeQ attribute only one nuclear warhead toward each HB. Fraley responded by acknowledging that this was why both sides were still discussing the counting rules for HBs. Koshelev agreed to come back to this topic as soon as the counting rules were agreed upon.

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ARTICLE VII: CONVERSION  
OR ELIMINATION

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¶11. (S) Ries addressed Article VII and informed Koshelev that the United States had developed new, simplified language for Article VII, which the U.S. side believed the Russian Delegation would be very happy with. Koshelev stated that Colonel Ryzhkov had showed him the U.S.-proposed text for Article VII earlier that morning and that Ryzhkov had been pleased by it. This caused some confusion for the U.S. side as Ries noted she had only finished writing the draft that morning and was not sure how Ryzhkov could have seen the text. Koshelev did not have a copy of the draft text that Ryzhkov had showed him because Ryzhkov would not allow him to keep it. Ries then handed over a copQf the U.S.-proposed text for Article VII to the Russian side.

¶12. (S) Koshelev stated he was very happy with the text except for the word "facilities." He stated he was confused as to whether or not facilities were subject to the limitations of the treaty. As worded, it appeared that facilities were subject to something other than the limitations of the treaty, something different than "items subject to the limitations of this Treaty." Ries stated that facilities were definitely subject to the limitations of the treaty as much as SOAs and other items; she suggested moving the term up to the second position in the series of items listed in the sentence. Koshelev stated he was not sure what Ryzhkov would think so he would discuss this with him to get a better idea of the text required.

¶13. (S) Ries moved to a discussion about notifications, saying the U.S. side had added notifications in Article VII to ensure the link to conversion or elimination. She pointed out that the United States had accepted the Russian use of the term "strategic offensive arms" in this paragraph in an effort to include everyone's ideas. Koshelev stated this loQed like the same language as in Article VIII and asked if the United States wanted to repeat the text here or if the United States planned to remove the text in Article VIII. Ries stated the United States intended to place the information in both places. The concept of removal from accountability by means other than conversion or elimination was a good point previously brought up by the Russian side and it should be addressed in Article VIII, paragraph 8(e). Koshelev agreed the item belonged there and suggested adding the words "or other removal from accountability" to the end of that paragraph in Article VIII. Ries offered to have the United States prepare a new version of Article VIII with that addition.

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ENHANCING CONFIDENCE,  
OPENNESS, AND PREDICTABILITY

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¶14. (S) Koshelev explained that the rationale behind Article

IX on voluntary measures was to extend current confidence-building measures already practiced by the two sides. Kuznetsov reiterated several times that this Article was a great opportunity for both sides to agree to act voluntarily to solve issues that would undoubtedly arise with

the implementation of this new treaty, even with the sides' best efforts to take into account lessons learned from START.

Mr. Kamenskiy gave the example in START of exchanging data about diagrams of "space launch vehicles" through diplomatic channels because the original treaty did not cover this specific information. This information was needed to provide enhanced confidence, openness and predictability between all Parties. With the Russian-proposed article, there would be no need to use political channels to solve these types of issues. It could and would be done on a voluntary basis outside of diplomatic channels.

¶15. (S) Kuznetsov continued the discussion by explaining that, with the cancellation of the ban on encryption and no telemetry, this article would be extremely important in order to solve the many questions and issues he believed would arise. Ries explained this discussion brought up the more serious issue of the role of verification versus the role of voluntarily providing information. To keep away from these areas of uncertainty and to enhance the degree of confidence, openness and predictability between the two sides, the United States felt continuing the ban on encryption of telemetry was necessary. The United States did not see an emphasis on voluntary dissemination of information as a better option than the obligation to provide the information. Ries concluded that voluntarily providing extra information was a good idea, but it was not a substitute for a strong verification regime. Koshelev explained that using diplomatic channels would attract further attention to a problem. By using this new proposed article, there would be a different avenue in which the sides would not have to involve the politicians and would not have to attract attention. Ries asked whether the Russians saw the use of the Nuclear Risk Reduction Center as a diplomatic channel. Koshelev stated that he did see that as a diplomatic channel and mentioned the recent exchange of data between the two sides on the Minuteman III and the SS-27 RVOSI demonstration as examples of exchanges of voluntary information that had occurred but could have been made much simpler by the use of this type of article. Ries concluded this discussion by emphasizing that the United States valued a solid verification regime and that the voluntary exchange of information could be a good compliment to that regime. She said the U.S. side would take the Russian proposal under consideration in that context.

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U.S. ARTICLE IX: VERIFICATION  
AND CONCEALMENT  
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¶16. (S) Ries moved to the U.S.-proposed paragraph 3 of Article IX on NTM. She stated that preventing the use of concealment measures to inhibit verification by NTM was a long-standing commitment between the two sides. She further emphasized that nothing written in the U.S.-proposed text would distract from or impede operations and should not impede training. She further stated that this was also consistent with transparency in development of systems and applied equally to both sides. Kuznetsov thundered back that the language the United States requested was drafted 20 years ago and was not required to be here as the three sentences did nothing but restate the same information over and over

again. Mr. Taylor stated that all three sentences were in fact three separate distinct requirements, all of which needed to be included in the paragraph. He pointed out the first sentence was a commitment not to impede NTM, the second was a prohibition on concealment measures at test ranges and the third specifically pertained to training and

environmental shelters to exclude them from the concealment ban. Koshelev interrupted and said he wanted to push this issue over to Colonel Ilin and Dr. Warner in the Inspection Protocol Working Group. Taylor disagreed and stated that this was a treaty issue and should be worked here. Kuznetsov changed his initial argument by stating that the issue was with the third sentence only and that it drew specific attention to bases for mobile ICBM launchers and separated them out from bases of ICBM launchers. He further stated that a basing area for mobile launchers was what Russia considered to be the same as a base for any other ICBM launcher.

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WRAP UP  
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¶17. (S) Koshelev jumped in at this point to state that he thought this was a good time to stop and that he liked the way the group was addressing the remaining issues in the text. He said that he would like to see more integration of the other working groups into this one as it got closer to the final agreed text. Ries agreed that the group would continue to work in this manner.

¶18. (U) Documents exchanged.

- U.S.:

-- U.S.-Proposed Article VII JDT.

¶19. (U) Participants:

U.S.

Amb Ries  
Lt Col Blevins  
Lt Col Comeau  
Mr. Connell  
Mr. Dean  
Dr. Dreicer  
Dr. Fraley  
Mr. Taylor  
Mrs. Zdravecky  
Mr. Kvavilashvili (Int)

RUSSIA

Mr. Koshelev  
Mr. Kamenskiy  
Adm (Ret) Kuznetsov  
Mr. Luchaninov  
Ms. Melikbekian  
Ms. Evarovskya (Int)

¶20. (U) Gottemoeller sends.  
GRIFFITHS